

AGENDA ZONING COMMITTEE OF THE SAINT PAUL PLANNING COMMISSION Thursday, July 28, 2011 3:30 P.M. City Council Chambers, Room #300 Third Floor City Hall - Saint Paul, Minnesota

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF JUNE 30, 2011, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

OLD BUSINESS

1 11-148-456 City House

Re-establishment of nonconforming use as a reception hall in the FW Floodway District 258 Mill St, south side of intersection of Walnut and Mill Street T3M

Josh Williams 651-266-6659

2 11-148-409 City House

Conditional use permit for a reception hall 258 Mill St, south side of intersection of Walnut and Mill Street T3M Josh Williams 651-266-6659

NEW BUSINESS

3 11-250-540 HRA (599 Reaney)

Re-establishment of nonconforming use as a duplex 599 Reaney Ave, between Payne and Edgerton R4

Sarah Zorn 651-266-6570

4 11-250-154 HRA (765 Edgerton)

Re-establishment of nonconforming use as a triplex 765 Edgerton St, between Bush and Reaney RT1

Sarah Zorn 651-266-6570

5 11-250-250 Dram Investments LLP

Re-establishment of nonconforming use as a car wash 1340 7th St W, between Mercer and Victoria TN2

Ryan Kelley 651-266-6562

6 11-249-230 Ray Devine

Conditional use permit for outdoor sales, limited to the same dates as the Minnesota State Fair

1565 Como Ave, NE corner of Como at Snelling

B3

Kate Reilly 651-266-6618

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.

ZONING COMMITTEE STAFF REPORT

1. FILE NAME: HRA (765 Edgerton)

FILE #11-250-154

- 2. APPLICANT: Saint Paul Housing and Redevelopment Authority HEARING DATE: July 28, 2011
- 3. TYPE OF APPLICATION: Nonconforming Use Permit-Reestablishment
- 4. LOCATION: 765 Edgerton St, between Bush and Reaney
- 5. PIN & LEGAL DESCRIPTION: 292922340103; Stinsons Addition Lot 8 Blk 16

6. PLANNING DISTRICT: 5

7. **ZONING CODE REFERENCE**: §62.109(d)

PRESENT ZONING: RT1

8. STAFF REPORT DATE: July 19, 2011

BY: Sarah Zorn

9. DATE RECEIVED: July 7, 2011

60-DAY DEADLINE FOR ACTION: September 5, 2011

- A. **PURPOSE:** Re-Establishment of nonconforming use as a triplex
- B. PARCEL SIZE: 40 ft. x 122 ft. = 4,880 sq. ft., including one half the alley = 5,280 sq. ft.
- C. **EXISTING LAND USE:** R-Multi-Family
- D. SURROUNDING LAND USE:

North: Light industrial (I1)

East: Single family residential (R4)

South: One, two and three family residential (RT1)

West: One, two and three family residential (RT1)

- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. HISTORY/DISCUSSION: There is no zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 5 Council has recommended approval of the application.

H. FINDINGS:

- 1. The property was placed on the Vacant Building list in May of 2007 as a Category 3. Because the building has been vacant for more than 365 days, the applicant is required to re-establish the nonconforming use.
- 2. The HRA Board authorized staff to purchase property to rehabilitate the structure for either home ownership or rental. The HRA purchased the property through the Neighborhood Stabilization Program in June of 2009. There are currently five units in the structure; the applicant is proposing to reduce the number of units to three and rent them out. The rehabilitation will be done by Clinton Company Builders in cooperation with the HRA, and the property will be managed by BB Housing Associates.
- 3. Section 62.109(e) states: When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:
 - (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met. According to city records the property has been registered in the past as a five-unit structure and information provided by the applicant shows that it is currently configured as such. The structure was originally built as a two-unit dwelling and it is unclear when the remaining units were added. The proposed triplex is a reasonable use of this structure.
 - (2) The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use. This finding is met. The proposed use as a triplex is more conforming than the previous use as a five-unit building.

- (3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met. The proposed use as a triplex will not be detrimental to the existing character of development in the immediate neighborhood. Re-establishing the nonconforming use will put a structure back into service that has been vacant for the past four years. The proposed use as a triplex fits in with the surrounding neighborhood and adjacent two and three family structures.
- (4) The proposed use is consistent with the comprehensive plan. This finding is met. The Housing Chapter of the Comprehensive Plan supports an increase in housing choice (strategy H1.1) across the city to support economically diverse neighborhoods. In addition, The Railroad Island Plan (2007) encourages "better maintenance of the existing housing stock through enforcement and incentive programs" (p.3).
- (5) A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on July 12, 2011: 12 parcels eligible; 8 parcels required; 9 parcels signed.
- 4. The Planning Commission has established guidelines for applications for nonconforming use permits for triplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Triplex Conversion Guidelines state that for applications for nonconforming use permits for triplexes in residential districts, staff will recommend denial unless the following guidelines are met:
 - A. Lot size of at least 6000 square feet with a lot width or front footage of 50 feet. This finding can be met. The lot size is 4,880 sq. ft., including one half of the alley increases the lot size to 5,280 sq. ft. The lot frontage on Edgerton is 40 feet. The structure also encroaches on the lot to the south. The HRA is working with the neighboring property owner to acquire by easement or purchase approximately one half of the lot to the south, which would result in an additional 2,440 sq. ft. Once the negotiations are finalized, including one half the alley, the total lot area will be approximately 7,920 sq. ft. At one point in time both properties were owned by the same party so little attention was paid to lot lines when the structures were built. In addition, the sale to the most recent owner was a cash transaction, which is why the easement issue was not addressed:
 - B. Gross living area, after completion of triplex conversion, of at least 2,100 square feet. No unit shall be smaller than 500 square feet. This condition is met. The gross living area of all three units is 3,342 square feet. All three units are more than 500 square feet.
 - C. Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum. This condition is met. There is a gravel parking area for six vehicles off the alley, which will be paved.
 - D. All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.) This condition is met. The structure can accommodate a triplex without any exterior remodeling. However, the existing block shed will be reduced in size and remodeled to provide an enhanced entrance. There is currently an existing entrance to the lower level unit and back stair with access to the first and second floor units on the south side of the building.
 - E. For the purpose of protecting the welfare and safety of the occupants of any structure

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that has been converted into a triplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution. This condition is met. The applicant will work with the Department of Safety and Inspections to obtain the necessary code compliance documentation and permits.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met. The applicant has submitted sufficient documentation to substantiate the permit.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the Re-Establishment of nonconforming use as a triplex subject to the following conditions:
 - 1. The applicant shall obtain a portion of the lot to the south no less than 720 sq. ft. in area, by easement or purchase.
 - 2. The applicant shall adhere to all applicable code requirements and receive a certificate of occupancy for a three-unit building.

NONCONFORMING USE PERMIT APPLICATION

Department of Planning and Economic Development Zoning Section 1400 City Hall Annex 25 West Fourth Street Saint Paul, MN 55102-1634 (651) 266-6589

K:cmartine/ped/forms/nonconforming use permit Revised 1/3/07

Zoning Office Use Only File #: 11-250/5 Fee: 700-00 Tentative Hearing Date:

(,	292922340103
APPLICANT	Name Housing and Revers Copment Authority of the City of Gaint Paul Address 25 West 4th Street, Suite 1100
•	City St. Paul St. MN Zip 55102 Daytime Phone 665
•	Name of Owner (if different) Same as above
	Contact Person (if different) Sheri Pemberton Holy Phone 266-6615
•.	
PROPERTY LOCATION	Address/Location 765 Edgerton Street, St. Paul, MN
	Legal Description Lat 8, Block 16, Stinsons Addition
	Current Zoning
•	(attach additional sheet if necessary)
	· · · · · · · · · · · · · · · · · · ·
TYPE OF PERMIT	: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:
T	
The permit is for:	
	Re-establishment of a nonconforming use vacant for more than one year (para. e) Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
	☐ Enlargement of a nonconforming use (para. d)
<u> </u>	
SUPPORTING INF	FORMATION: Supply the information that is applicable to your type of permit.
Present/Past Use	Propertywas a Sunit rental bldg before foreclosure by lender,
Proposed Use 2	operty will be fully rehabilitated as a triplex.
Attach additional s	Description of a graph of the committee
5 urvey	
4000 PS	dans
Attachments as re-	quired 🛮 Site Plan 🗆 Consent Petition 🗆 Affidavit
Applicant's Signati	ure X Date 77-11 City Agent





CITY OF SAINT PAUL Christopher B. Coleman, Mayor

25 West Fourth Street Saint Paul, MN 55102 Telephone: 651-266-6655 Facsimile: 651-228-3314

July 7, 2011

The Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (HRA) purchases vacant/foreclosed properties under the Neighborhood Stabilization Program (NSP). The District Councils and neighborhood residents help to identify the properties we acquire and recommend the development and/or reuse of the site.

HRA acquired properties at (1) 599 Reaney Avenue; and (2) 765 Edgerton Street. These properties had been vacant for more than a year and are noted as legal non-conforming uses. HRA needed to re-establish the non-conforming use.

We moved forward with the process to re-establish the non-conforming uses. In securing the required signatures a package was put together for each property that included the following:

- 1. Picture of the vacant/foreclosed property
- 2. Copy of survey of the property with the structures shown
- 3. Copy of site plan as to improvements of the site
- 4. Copy of floor plans and improvements to the property

As signatures were secured the package was shown to the adjacent property owners and information about the improvements discussed.

Also attached is a copy of the District 5 Community Council support for the development of these properties. Also a public hearing was held by the HRA Board on March 9, 2011 considering development of these properties. No one came forward to object to the development of these properties and the Board approved moving forward.

Sheri Pemberton-Hoiby Principal Project Manager

Department of Planning and Economic Development

Shew Pemberton-Horly

PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG SAFE A WELCOMING B CONNECTED S NEIGHBORHOODS

Chair Dave Thune and Members of the
Saint Paul Housing and Redevelopment Authority (HRA)
City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd Floor
Saint Paul, MN

Re: Res 11-501 Resolution Authorizing Entering into a Development Agreement, Obligating
NSP Funds and Approving Sale and Conveyance of Land to BB Housing Associates, LLC for Properties Located
within ISP/NSP Neighborhoods of Payne Phalen District Five: 765 Edgerton Street, Payne-Phalen District 5
599 Reaney Avenue, Payne Phalen District 5 and 500 Hopkins, Payne Phalen District 5

Dear Chair Thune and Members of the HRA:

The Payne Phalen District 5 Planning Council is pleased to give its strong recommendation for approval to this resolution which authorizes the rehab and ongoing management the above listed vacant properties in District Five. The Council's CPED (Community Planning & Economic Development) Committee met with the applicant from BB Housing Associates, LLC at their February 2011 CPED meeting. The Committee approves this proposed purchase and rehabilitation of the following properties through the Neighborhood Stabilization Program (NSP). 765 Edgerton Street, 599 Reaney Avenue, and 500 Hopkins.

Following the CPED meeting, the Rail Road Island Task Force met to discuss these properties and they have informed District Five of their approval of these housing plans. The RRITF is comprised of residents living in the immediate areas surrounding these properties and is a recognized Task Force of the District Five Planning Council The RRITF has focused on these properties in its intensive outreach work regarding vacant housing conditions in the neighborhood. The residents have offered their strong and well-informed recommendation to approve this resolution. The Board of Directors approved CPED and RRITF recommendations on the Consent Agenda of the February 22nd, 2011 Board Meeting.

District Five notes past actions to preserve 765 Edgerton and applauds the plans as they were presented to the Committee. The Committee values the plans put forward by BB Housing Associates, LLC wherein they remain in control of and assume long-term responsibility for quality property management.

This letter is intended to convey the neighborhood's wishes regarding the disposition of these vacant properties. Please contact the District Five Planning Council if more information is required.

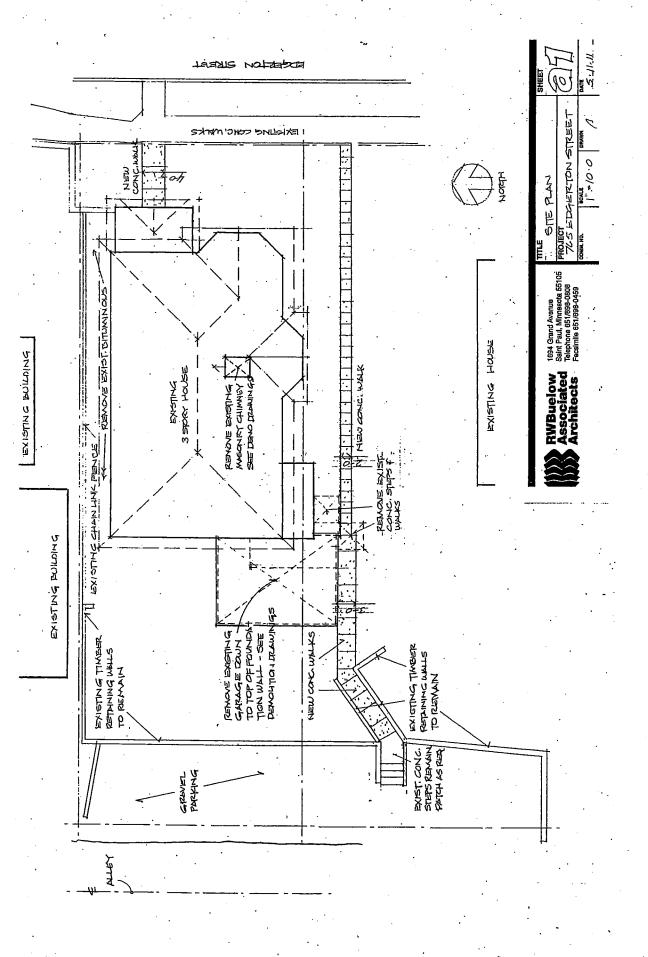
Sincerely

Leslie McMurray

Executive Director / Organizer

506 KENNY ROAD, SUITE 130, SAINT PAUL, MINNESOTA 55130-4554
TEL # (651) 774-5234 FAX # (651) 774-9745

E-MAIL: DISTRICT5@PAYNEPHALEN.ORG
WWW.PAYNEPHALEN.ORG



GENERAL NOTES

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- Verify location of all structural framing elements: bearing walls, columns, beams, and other, prior to removal of any construction. Provide new beams, lintels, etc. or temporary shoring as required before demolition. Protect all trim, fixtures, doors, windows, walls, floors and ceilings scheduled to
 - - remain, during demolition and construction. Verify scope of materials to be salvaged prior to start of demolition.
 - Review and coordinate demolition plans with final floor plans.

DEMOLITION NOTES

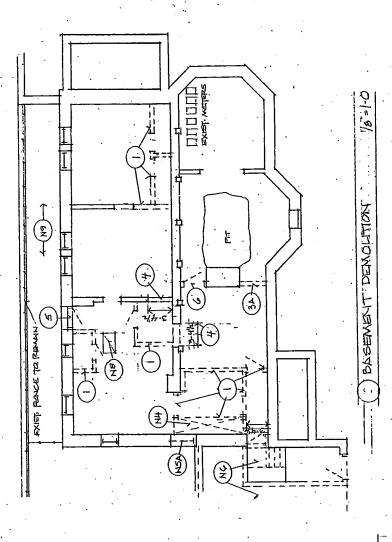
- Remove walls, floor to ceiling as shown
- 2. Remove walls only to 6-10 1/s height 3.A. Cut new rough opening 3-4 1/s (prepare 3-0 DR) 3.B. Cut new rough opening 3-0 1/s (prepare 2-8 DR) 3.C. Cut new rough opening 2-8 1/s (prepare 2-4 DR)
 - Cut new opening, as dimensioned
- (new opening Ht to be 6-10 ½ unless otherwise noted) 5. Remove door trim and frame (opening to remain)
 - Remove door trim and frame (opening to be filled)
- 7. Remove door only, protect frame and trim to remain
- Remove carpet & base, prepare to refinish hardwood floors Remove door and protect, prepare to reverse swing
 Remove carpet & base, prepare to refinish hardwoo
- Remove vinyl flooring, prepare to profde new vinyl flooring Remove vinyl flooring, prepare to refinish hardwood floors
- Remove plumbing & fixtures (verify scope see finished floor plans) Remove cabinetry (verify salvage requirements)
 Remove ceiling (verify scope)
 - Remove wall paneling
 - Remove stair as shown

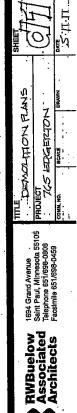
 - Remove wall tile
 - 29.5

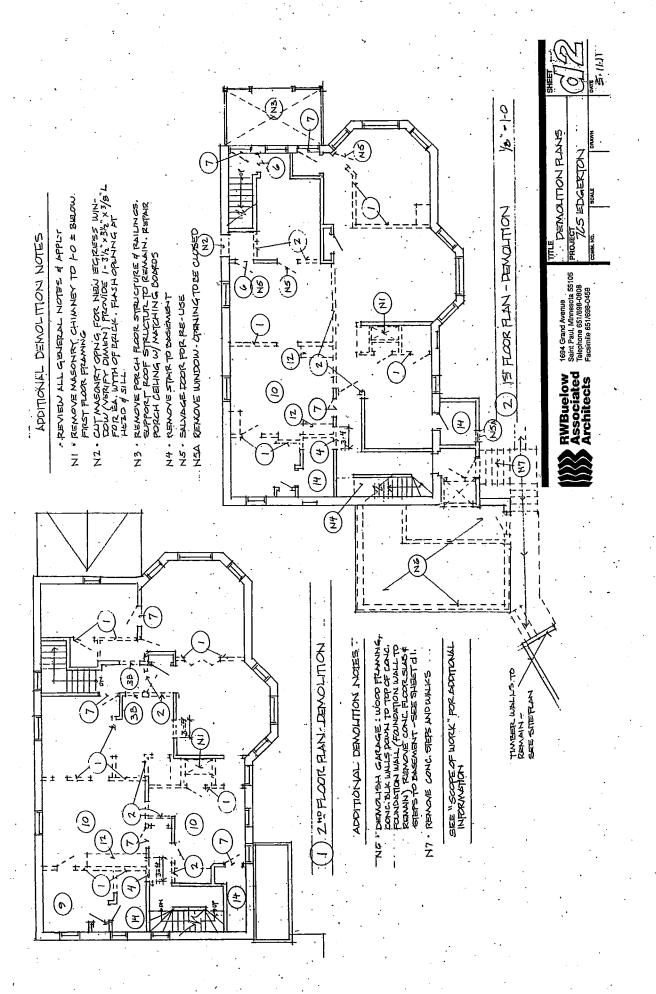
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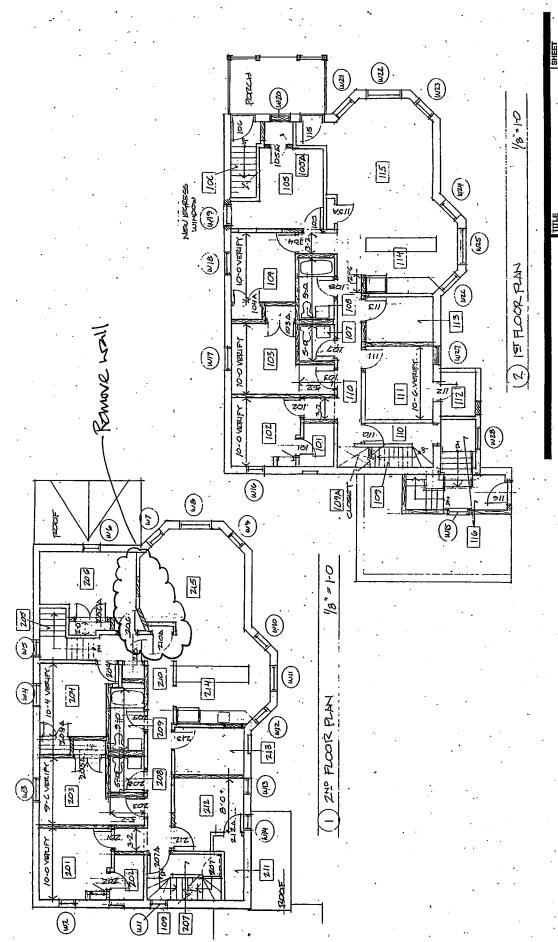
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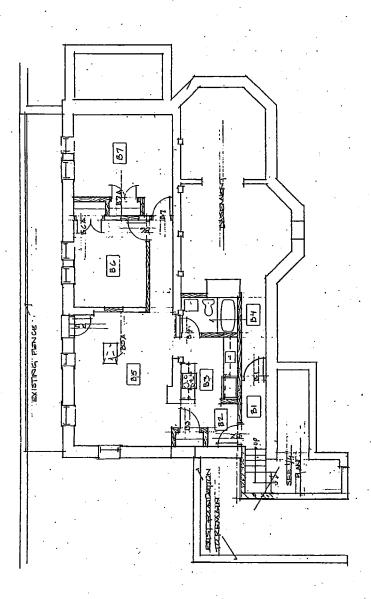
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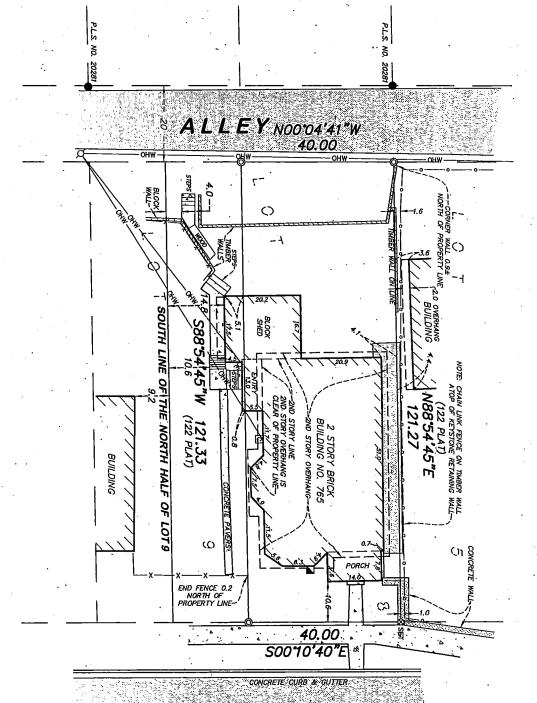












EDGERTON STREET

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned,	owners of the proper	rty within	100 feet	t of the	subjec	t property	acknow	ledge
that we have been pre	sented with the follo	wing:	•		•	*	•	٠.

A copy of the	e applicati	on of <u>Hou</u>	sing "	A Redevi	el opm	ent p	tut,	ronty
			U(na	me of applicar	at)		•	
to establish a				·	٠			· ·
,			(p	roposed use)				
located at	765	Edger	ton	Street	·		· ,	
				ldress of prope	rty)	•		

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
752 Jessie	Allan Peterson		
765 Edgerton	HRA	XCLS	1/1/11
159 Edgerton	Victor Velchin +		
118 Jessie	Ray Caliguire (Of Clean	8-30-76
510 Bush -	Robert Wolfer+	li	
155 Edgerton	Frank Lundeen +	11	
758 Jessie	mai Yia Vang	Mai year M	6/30/11
162 Jessie	mai Yia Vang	mar year by	6/30/11
570 Bush	Robert Woller + Shirley Woller	11	
570 Bush	Robert Woller + Shirley Woller	n l	
768 Jessie	Thomas Caliquie	The Colon	6-30-11
170 Jessie	Thomas Calignia	Therelian	6-30-11
		,,,	

NOTE: All information on the upper portion of this application <u>must</u> be completed prior to obtaining eligible signatures on this petition.

CONSENT OF ADJOINING PROPERTY OWNERS FOR A **NONCONFORMING USE PERMIT**

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Housing a Redevelopment Authority (name of applicant)

to establish a (proposed use)

located at 765 Edgerton Street (address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

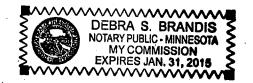
ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
752 Jessie	Allan Peterson	Allowh theren	7/1/11 7/1/11
765 Edgerton	HRA	<u>J</u>	
159 Edgerton	Victor Yelchin +		
118 Jessie	Ray Caliquire	II.	
510 Bush	Robert Wolfert Shirley Wolfer	- Nott Week	7-611
155 Edgerton	Frank Lundeen +		
758 Jessie	mai Yia Vang Xena Xiona	Mai Year Vy	6/30/11
1102 Jessie	Mai Yia Vang Xena Xiona	ma yearly	6/30/11
570 Bush	Robert Woller t Shirley Woller	for walk	7-6 11
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768 Jessie	Thomas Caliquire	£	
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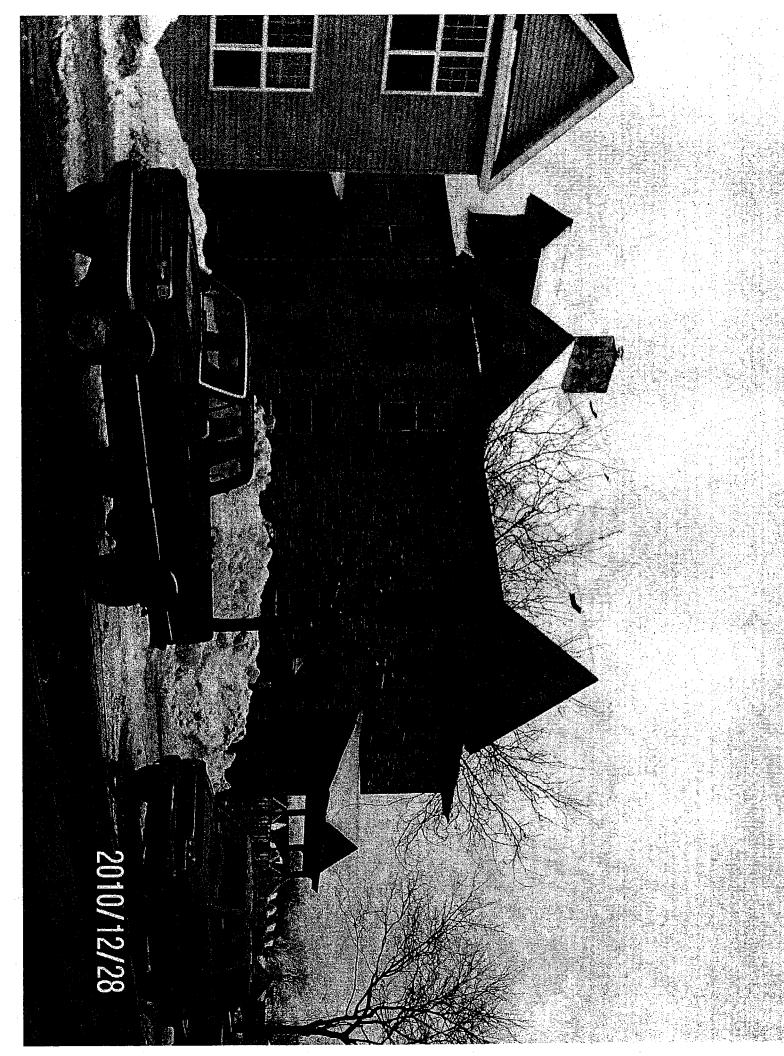
NOTE: All information on the upper portion of this application <u>must</u> be completed prior to obtaining eligible signatures on this petition.

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)	
:SS	
COUNTY OF RAMSEY)	
that the consent petitioner is informed and believe are owners of the parcels of real estate described in parties described on the consent petition is an own property described in the petition; the consent petition; and the consent petition was signed by earned correct signatures of each and all of the partie	mmediately before each name; each of the her of property within 100 feet of the subject tion contains signatures of owners of at least 00 feet of the subject property described in the high said owner and the signatures are the true
and correct organitation or caon and are or the partie	
	m. BreCen
	NAME
	1645 PALACE ME.
	ST. PAM, MN 55/05
	ADDRESS
	651, 260-5528
	TELEPHONE NUMBER
Subscribed and sworn to before me this	

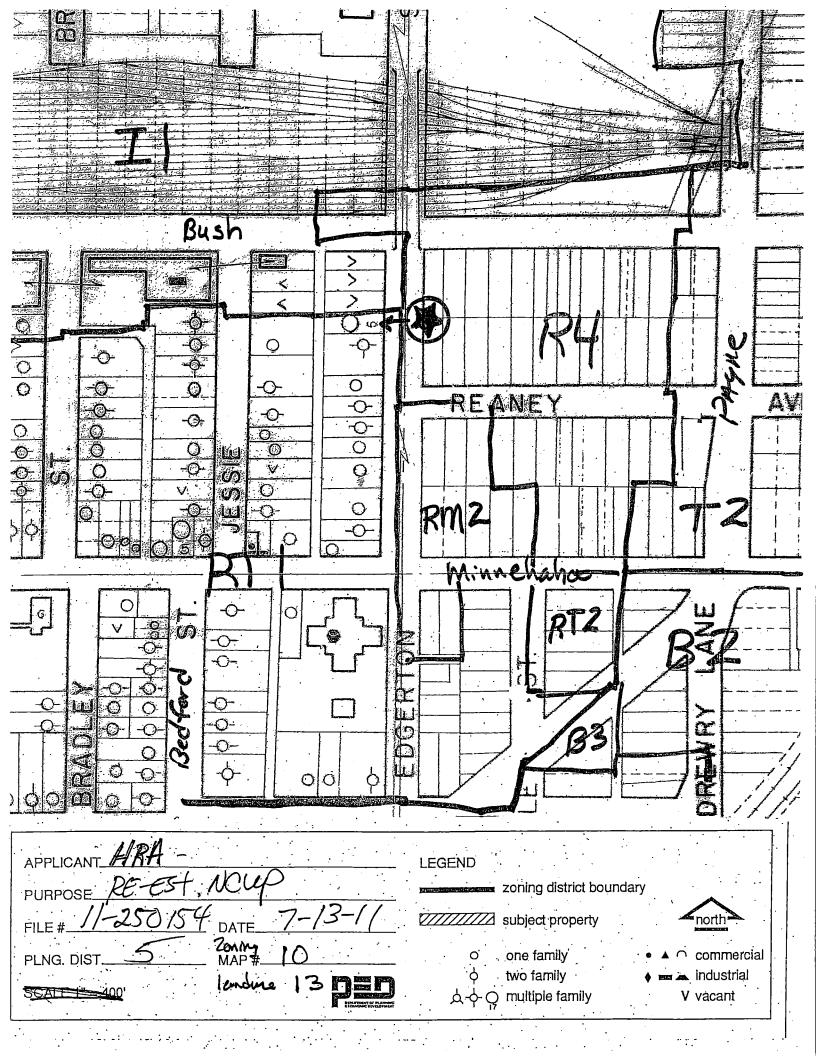
NOTARY PUBLIC





ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING	SCUP NCUP
FIRST SUBMITTED	RESUBMITTED
DATE PETITION SUBMITTED: 7-7-(DATE PETITION RESUBMITTED:
DATE OFFICIALLY RECEIVED: 7-12-1	DATE OFFICIALLY RECEIVED:
PARCELS ELIĞIBLE: /2	PARCELS ELIGIBLE:
PARCELS REQUIRED: 8	PARCELS REQUIRED:
parcels signed:	PARCELS SIGNED:
CHECKED BY: PAUL DWE	vure



ZONING COMMITTEE STAFF REPORT

1. FILE NAME: Dram Investments LLP

FILE # 11-250-250

2. APPLICANT: Dram Investments LLP

HEARING DATE: July 28, 2011

3. TYPE OF APPLICATION: Nonconforming Use Permit-Reestablishment

4. LOCATION: 1340 7th St W, between Mercer and Victoria

5. PIN & LEGAL DESCRIPTION: 112823430197; E B Lawtons Rearrangement No 1 Subj To St; Vac Sts Accruing & Fol. Lots 9 10 & 11 Blk 2 Cottage Lots Add & In Sd E B Lawtons Re No 1 Lot 7

6. PLANNING DISTRICT: 9

7. **ZONING CODE REFERENCE:** §62.109(d)

PRESENT ZONING: TN2

8. STAFF REPORT DATE: July 18, 2011

BY: Ryan Kelley

9. DATE RECEIVED: July 7, 2011

60-DAY DEADLINE FOR ACTION: September 5, 2011

A. **PURPOSE**: Re-Establishment of nonconforming use as a car wash

B. **PARCEL SIZE:** Irregular parcel with 85.1 ft frontage on W 7th, 103 ft on Mercer St; lot area of 22595 sq. ft.

C. EXISTING LAND USE: A-Car Wash

D. SURROUNDING LAND USE:

North: Commercial printing and Residential (T2 and RM2)

East: Vacant residential land and Single-family residential (RT2)

South: Multi-family residential (RT2)

West: Commercial (T2 and B2)

E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.

- F. **HISTORY/DISCUSSION:** The site was first established as a car wash facility in 1967. A Special Council Use Permit was issued for 6 gas pumps and a car wash facility (ZF 6279). In 1980 an application for a Special Condition Use Permit was made to establish a used car lot on the site. The application was approved with conditions (ZF 8740). A Special Condition Use Permit was applied for in 1987 to "permit expansion of an existing car wash". This permit was approved with conditions (ZF 10061).
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 9 Council has not submitted any testimony at this time.

H. FINDINGS:

- 1. The property was placed on the Vacant Building list in June of 2009 as a Category 2. Because the building has been vacant for more than 365 days the applicant is required to re-establish the nonconforming use.
- 2. In the Special Condition Use Permit granted in 1987 one of the conditions imposed was: "that the hours of operation be between 8:00 a.m, and 7:00 p.m." The anticipated hours for the reopened facility are 7:00 a.m. to 9:00 p.m.
- 3. The applicable conditions regarding parking and auto washes at the granting of the 1987 Special Condition Use Permit were: 20 reservoir parking spaces and one (1) parking space for each employee. According to the Planning Commission Resolution, the site plan at that time indicated five (5) parking spaces, 12 exterior "stacking" spaces and eight (8) additional spaces inside the building.

The current conditions, as found in Sec. 65.707 Car Wash, require a "minimum of four (4) stacking spaces per washing lane. The parking regulations, as found in Table 63.207, require one (1) space per two (2) employees. The submitted site plan designates six (6) parking

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spaces and 16 exterior stacking spaces.

- 4. Section 62.109(e) states: When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:
 - (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met. The property was registered as a carwash facility with gas pumps beginning in 1967. In 1980 a used car lot was established on the site. In 1987 the carwash facility was re-established and expanded to include a new structure that houses two (2) additional carwash bays, a prep area, and a "buff and shine" area. The specialized nature of the use makes alternative uses uneconomical as extensive alterations to the building would be required. The proposed carwash facility is a reasonable use of this structure.
 - (2) The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use. This finding is met. The use as a carwash facility is equally appropriate as its historical use as a carwash facility.
 - (3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met. A building that has been vacant for the past two years will be put back into use in a manner that is consistent with its prior operations. The building has frontage on W 7th St and is in character with adjacent commercial properties along this corridor.
 - (4) The proposed use is consistent with the comprehensive plan. This finding is met. The property is located in an area designated as a "Mixed Use Corridor" by the Comprehensive Plan. This designation allows a mix of residential, commercial, retail, small office, light industrial, and other uses within close proximity of one another. The use also coincides with the goal of "Land Use Mix" as identified in the District 9 Plan. The property faces W 7th Street and is within the commercial node of W 7th and Otto Avenue. The plan highlights that compatibility among mixed land uses is important in maintaining land use diversity in a dense neighborhood.
 - (5) A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on July 8, 2011]: 19 parcels eligible; 13 parcels required: 13 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met.

- I. STAFF RECOMMENDATION: Based on the findings above, staff recommends approval of the Re-Establishment of nonconforming use as a carwash facility subject to the following conditions:
 - 1. The facility hours of operation are to be 7:00 a.m. to 9:00 p.m.
 - 2. The concrete block wall extending from the building to the sidewalk on West 7th Street, running along the northerly property line is repaired.

NONCONFORMING USE PERMIT APPLICATION

Department of Planning and Economic Development Zoning Section 1400 City Hall Annex 25 West Fourth Street

Zoning Office Use Only File #:

Saint Paul, MN 55102-1634 (651) 266-6589 INUESTIMBUTS LLP **APPLICANT** Daytime Phone _ Name of Owner (if different) UDUID OLSHANSKY Contact Person (if different) Address/Location 1340 WEST Th STREET **PROPERTY** LOCATION Legal Description (SEE ATTACHED) (attach additional sheet if necessary) Current Zoning TH-Z TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code: Change from one nonconforming use to another (para. c) The permit is for: Re-establishment of a nonconforming use vacant for more than one year (para. e) 风 Establishment of legal nonconforming use status for use in existence at least 10 years (para. a) Enlargement of a nonconforming use (para. d) SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit. Present/Past Use () Present/Past Use Proposed Use CAZINA Attach additional sheets if necessary Consent Petition Attachments as required X Site Plan Date 7/5 -// City Agent

K:cmartine/ped/forms/nonconforming use permit Révised 1/3/07

Applicant's Signature

July 6, 2011

Mr. Paul Dubruiel:
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634

Re: Re-Establishment of Nonconforming Use 1340 West Seventh Street St. Paul, MN 55102 BA #1128

Mr. Dubruiel:

Attached is the revised Application for Re-Establishment of Nonconforming Use for this property as follows:

- 1) NONCONFORMING USE PERMIT APPLICATION form (signed)
- 2) AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT (signed and notarized)
- 3) Payment in the form of a Check for the amount of \$700 (DRAM PROPERTIES LLC)
- 4) CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCOFORMING USE PERMIT (four (4) thus pages with original signatures)
- 5) The Site Drawings are already in your possession
- 6) Supplementary Information:
 - The Ramsey County Property Identification Number (PIN) for this property is: 11-28-23-43-0197 The Legal Description of this Property includes the following text:
 - Subj To St; Vac Sts Accruing & Fol. Lots 9 10 & 11 Blk 2 Cottage Lots Add & In Sd E B Lawtons Re No 1 Lot 7
- 7) Attached is a Memorandum (dated July 6, 2011) that demonstrates the inherent positive merits of this property especially as they relate to findings that the Planning Commission is expected to address.

Please contact me with questions and comments at your earliest opportunity.

Sincerely,

Randy L. Engel, RA

BUETQW & ASSOCIATES

Vice President

Copy: David Olshansky, DRAM Investments, LLP

July 6, 2011

Re-Establishment of Nonconforming Use 1340 West Seventh Street St. Paul, MN 55102 BA #1128

Memorandum

Regarding the Zoning Code of the City of St. Paul, Chapter 62 – Zoning Code-Nonconforming Lots, Uses and Structures, Section 62.109 Nonconforming Use Permits, Paragraph (e) Reestablishment of Nonconforming Use: The new Owner of this property, DRAM Investments, LLP, is seeking to reestablish the nonconforming zoning status of this property as originally and previously granted to this property by the City of St. Paul.

Please be assured that the inherent positive merits of this property are in accord with following findings that the Planning Commission typically addresses:

- (1) The current land use and Car Wash Facility structure commenced operations in about the year 1968. The current structure is the result of an expansion to the original building and is a Car Wash Facility that received a Conditional Use Permit from the City of St. Paul in or about April of 1987. That facility was in continuous operation until the Conditional Use Permit was revoked by the City of St. Paul in June 2009 for nonactivity of business operations. A substantial investment has been placed into the land use and facility over time and also through the recent purchase by DRAM Investments, LLP. It would be difficult and costly to modify this facility to become another use. That is because this facility cannot be reasonably or economically used for another purpose that may conform to a purpose allowed in the TN2 Zoning District. Thus, the new Owner affirms that this property should continue to be operated as a Car Wash Facility.
- (2) The Owner's proposed use of this property is to continue as a Car Wash Facility. The Owner affirms that this is an appropriate use of the land at this location.
- (3) The Owner affirms that this property and its use as a Car Wash Facility will not be detrimental to the existing character of development in the immediate neighborhood and will not endanger the public health, safety or general welfare.
- (4) The Owner's proposed use of this property as a Car Wash Facility is in accord with the City of St. Paul's Comprehensive Plan that seeks to have commercial uses interspersed with housing within the West Seventh Street Mixed-Use Corridor. Also, the District 9 Area Plan seeks a mix of commercial and residential land uses with commercial uses relegated to the West Seventh Street frontage. This Car Wash Facility is oriented to and located upon the West Seventh Street frontage.
- (5) A notarized Petition of at least two-third (2/3) of adjacent Property Owners located within one hundred feet (100') of this property is attached to this document.

FOR: RE-ESTABLISHMENT OF HOD-CONFERMENT WE

CONTOITIONS SUBJECT TO VETEIR PEULSION

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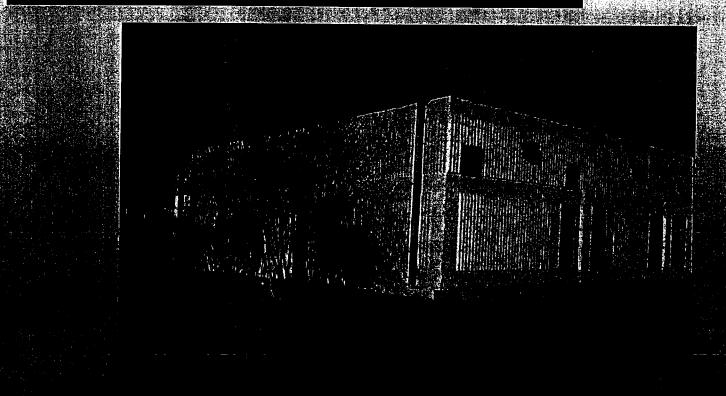
Bird's Eye View Photos





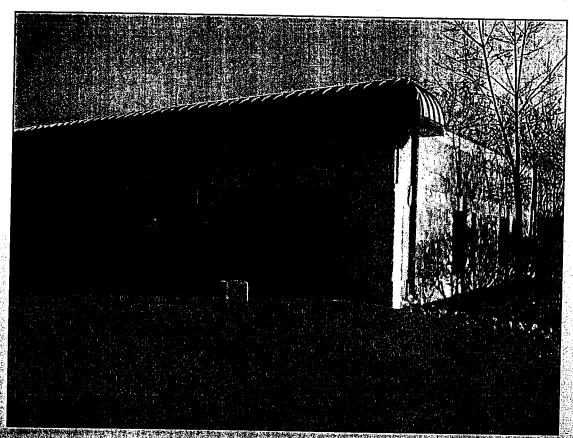
Photos

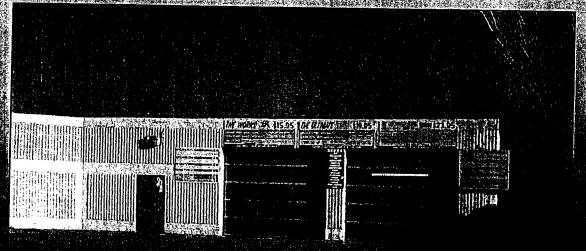


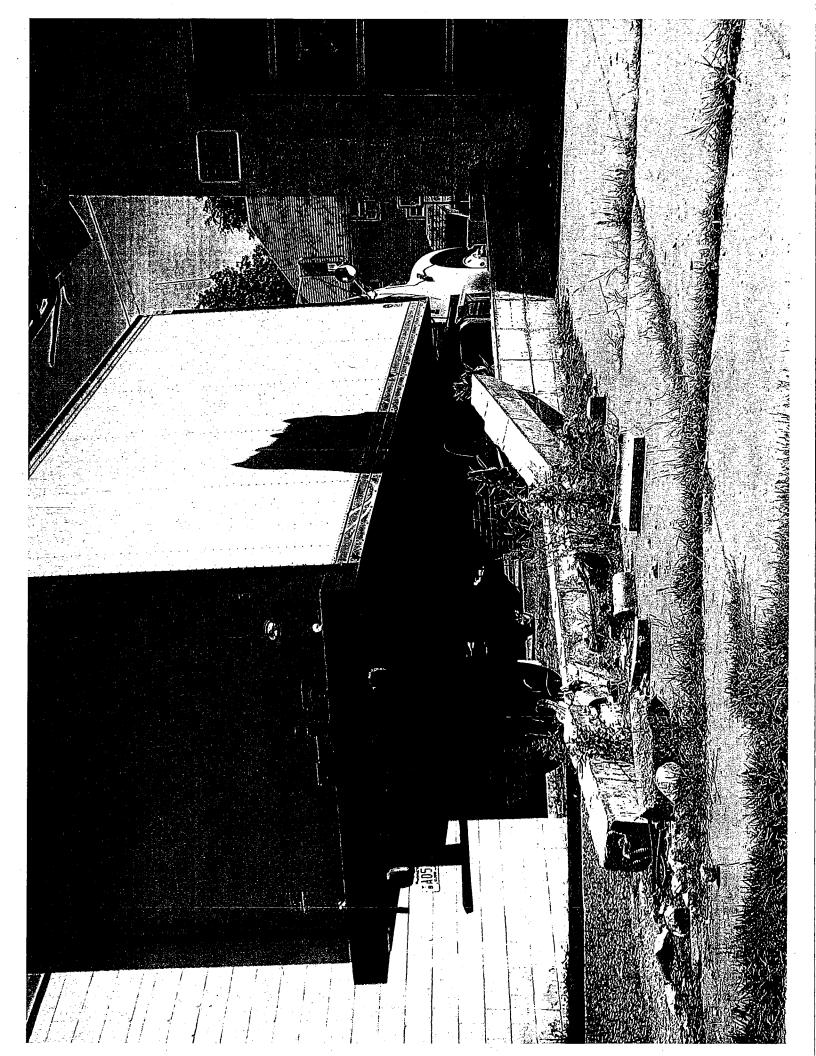




Photos







ZONING PETIT	ION SUFFICIENCY CHECK SHEET
REZONING	SCUP
2nd	
FIRST SUBMITTED	RESUBMITTED
DATE PETITION SUBMITTED: 7	-7-1(DATE PETITION RESUBMITTED:
DATE OFFICIALLY RECEIVED:	DATE OFFICIALLY RECEIVED:
PARCELS ELIGIBLE:	PARCELS ELIGIBLE:
PARCELS REQUIRED: 13	PARCELS REQUIRED:
PARCELS SIGNED: 3	PARCELS SIGNED:
CHECKED BY: PAULD	ubruie(DATE: 7-8-11

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge

(name of applicant)

that we have been presented with the following:

A copy of the application of __

signatures on this petition.

located at 13 40			5510Z
	(address	of property)	
requiring a nonconformidocumentation.	ing use permit, along with any	relevant site plans, diagrams, o	r other
We consent to the appr his/her representative.		was explained to us by the ap i	plicant or
ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
693 MINCES	margary Brown	The argant / Brown	6/13/011
362 W 7th	RS. Eden.	Gunette SM	6/14/11.
75 6167096	Letilla E-selharle	wa	6/16/11
05 S. VICTORIA	The Mod	Thomas Waska	6/16/11
87 S. VICTOR	A Don Tauchlin	Don Laughlin	4/17/11
37/W7 Street	Pental Associates	Buth Rollen for	16/20/2011
01 Mercast	Gary Brueggeman	Day Bruger	6/20/2011
16 Victoria st S.	Eugene Green	Engene Free	6-20-11
98 Victoriasts,	William Bisky	WW	62011
686 Victoriasts	Jonathan Beck	Total Mul	6/20/11
elles. Victoria	Roseblempton	18 Danvoen	6-20-11
305W.712	Myran Burnet	MMar Binnot	In. 20-11
386 W-74	TAN GRUNGERG	Jan July	6/20/11
OTE: All information on the	e upper portion of this application	must be completed prior to obtain	ino eligible

9/08



We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

(name of applicant)

A copy of the application of

signatures on this petition.

		(propose	•	
	located at 13 40	o 7 th Sr u (address	of property)	55102
	requiring a nonconform documentation.	ing use permit, along with any	relevant site plans, diagrams, or	other
	We consent to the app his/her representative.		was explained to us by the ap	plicant or
	ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
	688 Mercer	Susan Singer	Supan Linear	6.201
	690 mercer	Poulinershirt	Herlin Liber	6/21/11
		7	J	7-7-7
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NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible

9/08

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge

that we have been presented with the following:

A copy of the application of DIAM PROPERTIES

(name of applicant)

to establish a CAR WASH

(proposed use)

located at 1340 7 5 5 W 5 PAUL 55102

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
8530HD	Nito Gordon	Mylan	6/20/201
App Shuld	Farferson	/Lon Sugar	2150
1310W 254 000	Sou Rue	Schopins	6/20/11
1334 W/26	Tan Am Joh	Parlansin	6/21/
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NOTE: All information on the upper portion of this application <u>must</u> be completed prior to obtaining eligible signatures on this petition.

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

(proposed use)

A copy of the application of DRAW

to establish a

signatures on this petition.

located at/ 3 4/2	0. 755T U	1. 57	PAUL :	5310Z
•	(address	of property)		
requiring a nonconform documentation.	ning use permit, along with any	y relevant site pl	ans, diagrams, o	r other
We consent to the app his/her representative	proval of this application as i	t was explained	to us by the ap	plicant or
ADDRESS OR PIN	RECORD OWNER	SIGN	ATURE	DATE
He Rules Street	Thille Divor	MIPU		10-h1-11
1329 W THY St.	Darlene Marshell	Darline	Marelly	7-2-11
1352 W. 77HST	Betty Shuby	Belly	Shube	17-2-1
1340 W. 744 ST.	ORAN Reperties	se M	Uell	7.5.11
			•••	
NOTE: All information on th	e upper portion of this application	- may of h 1 - 4		la a a 11 a 11 1

9/08

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Dram Inuestrictors, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

AHRIO OIGHA

NAME

BOOD BOONE AVENUE HORTH ADDRESS GOLDEH UNLEY, MN 55427

763.4177 ~ 8888

TELEPHONE NUMBER

Subscribed and sworn to before me this

05 day of Suly, 2

GALINA M. GOZENPUD

NOTARY PUBLIC

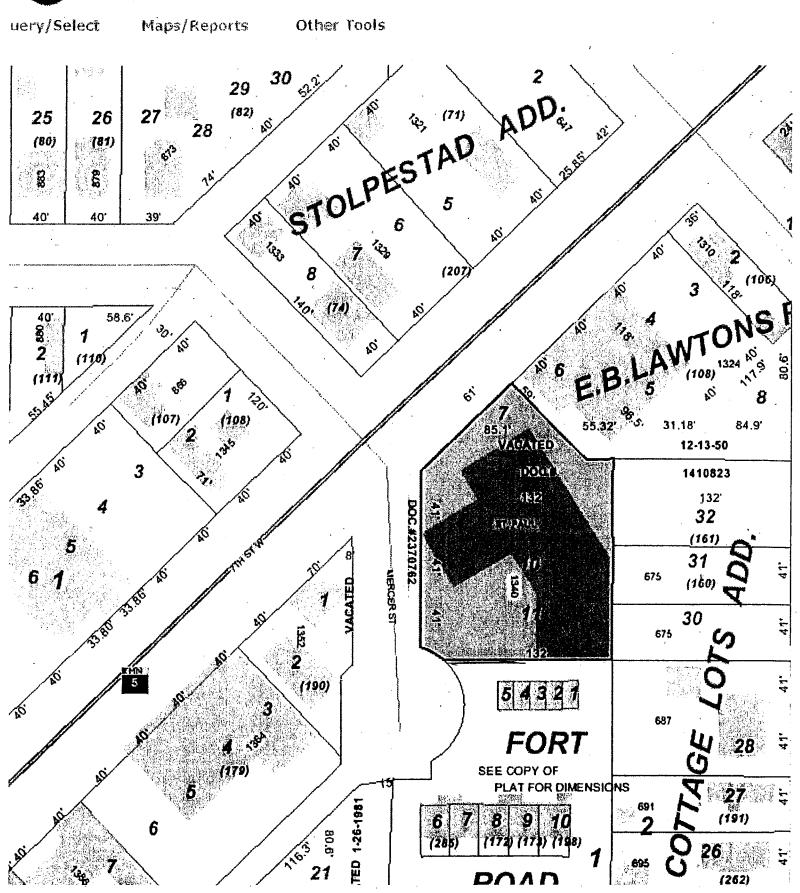
MINNESOTA

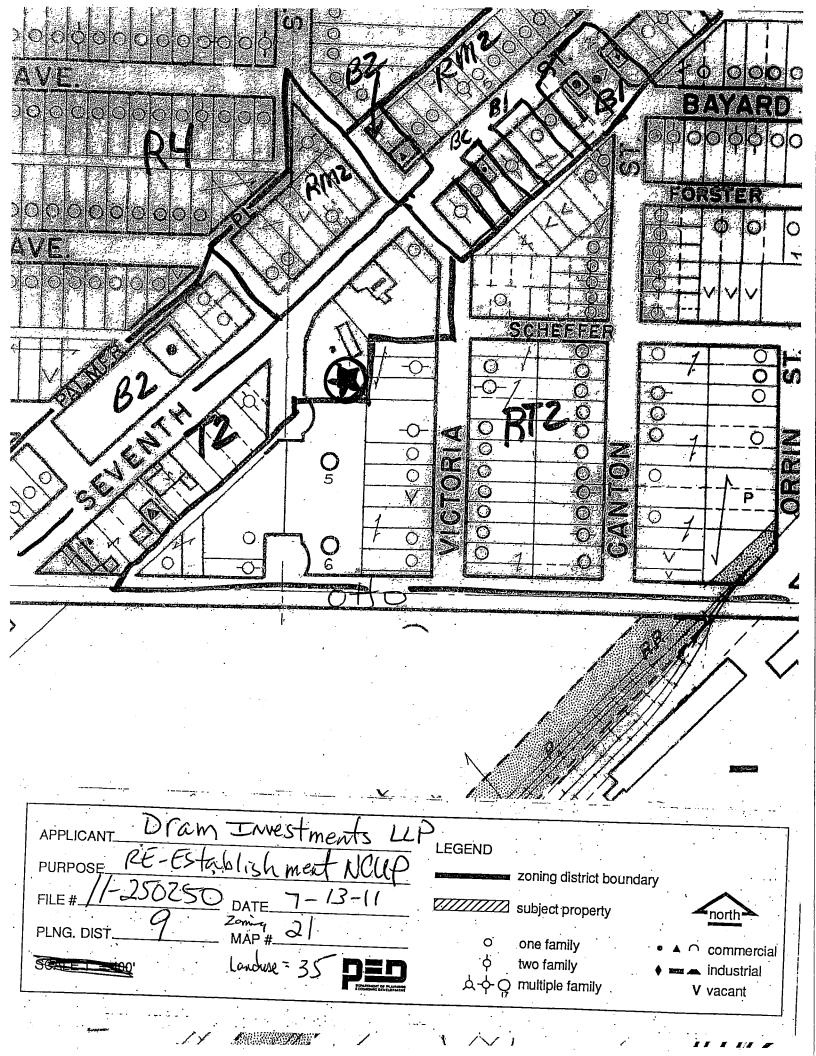
My Commission Expires Jan. 31, 2015

NOTABY PUBLIC

RGIS

Ramsey County Online Maps & Data





ZONING COMMITTEE STAFF REPORT

1. FILE NAME: Ray Devine

FILE # 11-249-230

2. APPLICANT: Ray Devine

HEARING DATE: July 28, 2011

3. TYPE OF APPLICATION: Conditional Use Permit

4. LOCATION: 1565 Como Ave, NE corner of Como at Snelling

5. PIN & LEGAL DESCRIPTION: 222923330141, Lake Park Addition Vac Alley Accruing & Fol, S

120 Ft Of Lot 9 Blk 7

6 PLANNING DISTRICT: 10

PRESENT ZONING: B3

7 **ZONING CODE REFERENCE:** § 65.525; § 61.501

8. STAFF REPORT DATE: July 20, 2011

BY: Kate Reilly

9. **DATE RECEIVED:** July 6, 2011

60-DAY DEADLINE FOR ACTION: September 4, 2011

A. **PURPOSE:** Conditional use permit for outdoor sales, limited to the same dates as the Minnesota State Fair

B. **PARCEL SIZE:** 68 ft x 120 ft (7912 sq. ft.)

C. **EXISTING LAND USE:** P-Parking Lot

D. SURROUNDING LAND USE:

North: Residential (R4)

East: Commercial (B3)

South: Commercial (B3)

West: Transportation (Snelling Avenue and ROW)

- E. **ZONING CODE CITATION:** §65. 525 lists general conditions that must be met by commercial outdoor uses; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. HISTORY/DISCUSSION: A licensed food product vendor has been located at 1565 Como Avenue for a couple of years. Until last year, the owner of the property did not know that a permit was also required for the use of the property. At that time the Department of Safety and Inspections allowed a special permit. This year the applicant has applied for the appropriate conditional use permit to allow the licensed vendor to continue to operate at 1565 Como Avenue. The operation will coincide with the 12 days of the State Fair.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 10 Council had not made a recommendation at the time the staff report was prepared.

H. FINDINGS:

- 1. DeVine Management LLC, the current owner of the building and property located at 1565 Como Avenue on the corner of Como and Snelling, is requesting a conditional use permit that would allow a properly licensed food vendor to conduct business on a portion of their property. That permit would be restricted to the 12 days each year that the State Fair runs. The area where the vendor is to be located is to the west of the building on a paved parking area that is 21 ft x 72 ft.
- 2. §65.525 lists one standard and condition for outdoor commercial uses not otherwise allowed in the district: The use shall not conflict with off-street parking, off-street loading and the system of pedestrian flow. This condition is met. The area where the vendor will be located is in the location where the business parks its commercial vehicles during the day. Those vehicles go home with employees at the end of the day, and will be with employees during the state fair period. Those vehicles that do not go home with an employee will be parked in a nearby garage. The applicant states that the corner of Como and Snelling is very busy during the state fair and that the vendor does not generate more than the typical state fair-levels of traffic. Off-

Zoning File # 11-249-230 Zoning Committee Staff Report Page 2

street parking, off-street loading and pedestrian flow will not be affected.

- 3. §61.501 lists five standards that all conditional uses must satisfy:
 - (1) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The Land Use Plan of the city's Comprehensive Plan identifies Como and Snelling as a mixed use corridor and the proposed use is consistent with that. This use is also consistent with the State Fair Vending Overlay district approved by the City Council for residential areas north of the site.
 - (2) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Adequate ingress and egress to the vendor will be provided as it is a pedestrian only access. Adequate ingress and egress to Como and Snelling will not be affected due to their distance from the vendor location.
 - (3) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The neighborhood commonly has vendors during the state fair period; this vendor is located in a B3 zoning district, and is not detrimental to the existing character of development in the neighborhood, nor will it endanger the public health, safety and general welfare of the population.
 - (4) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The use is temporary in nature and will not interfere with other development and improvement of the surrounding property.
 - (5) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The use will be in a B3 district, where outdoor uses are permitted. The vendor will be a licensed food vendor and will conform to the applicable regulations of the district in which it is located.
- I. STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the Conditional use permit for outdoor sales, limited to the same dates as the Minnesota State Fair subject to the condition that the food vendor be licensed by the Department of Safety and Inspections.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development Zoning Section 1400 City Hall Annex 25 West Fourth Street Saint Paul, MN 55102-1634 (651) 266-6589

	Zoning office use only
	File # 1/-299230
	Fee 800.00
PD=10	Tentative Hearing Date:
, ,-	7-28-11

222923330141 Name Ray Devine -Address 1575 COMO ALL City St. Paul St. MN Zip SS108 Daytime Phone 1051-644-0078 **APPLICANT** Name of Owner (if different) Ray DeVine Contact Person (if different) Ray or Sue Address / Location 1565 Como Ave Legal Description <u>22 - 29 - 23 - 33 - 6141</u> **PROPERTY** LOCATION **Current Zoning** (attach additional sheet if necessary) TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 65, Section 525, Paragraph of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Please see attachments (3)

Required site plan is attached

Applicant's Signature Amunual W Lul Date 1, -28-11 City Agent

DeVine Management LLC 1565 Como Ave., St Paul, MN 55108 (651) 644-0078 FAX (651) 644-0900 rdevine1@aol.com

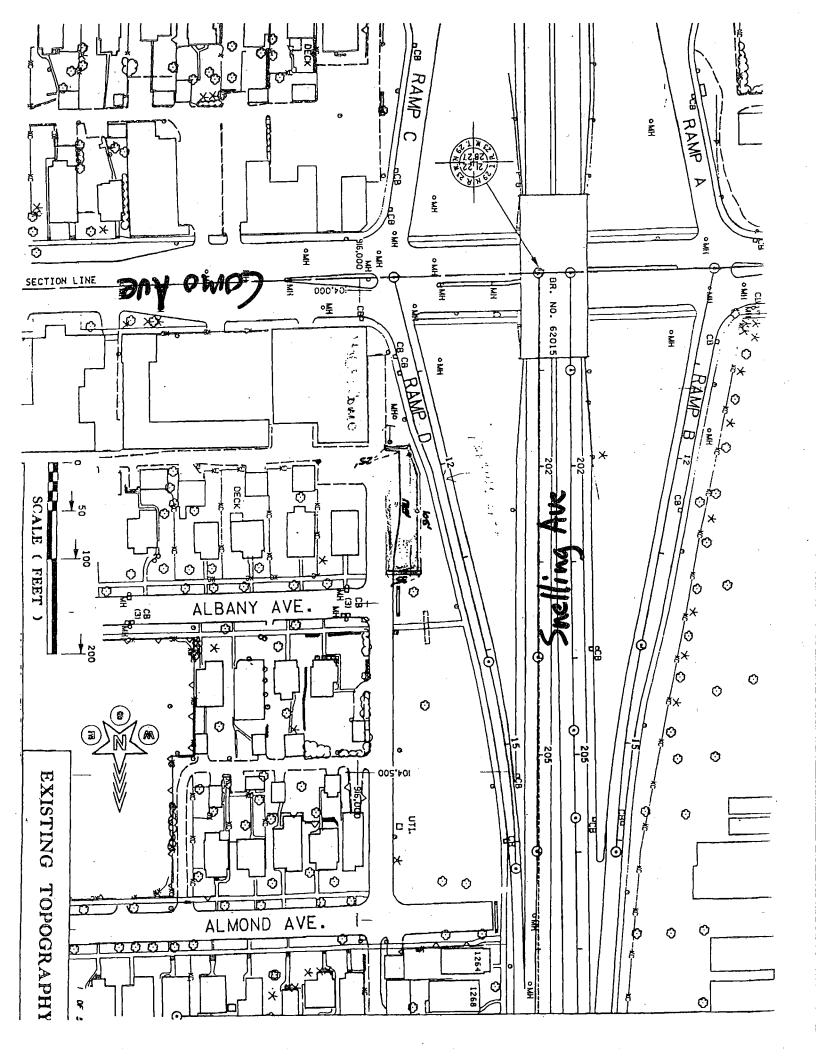
CONDITIONAL USE PERMIT APPLICATION Supporting Information

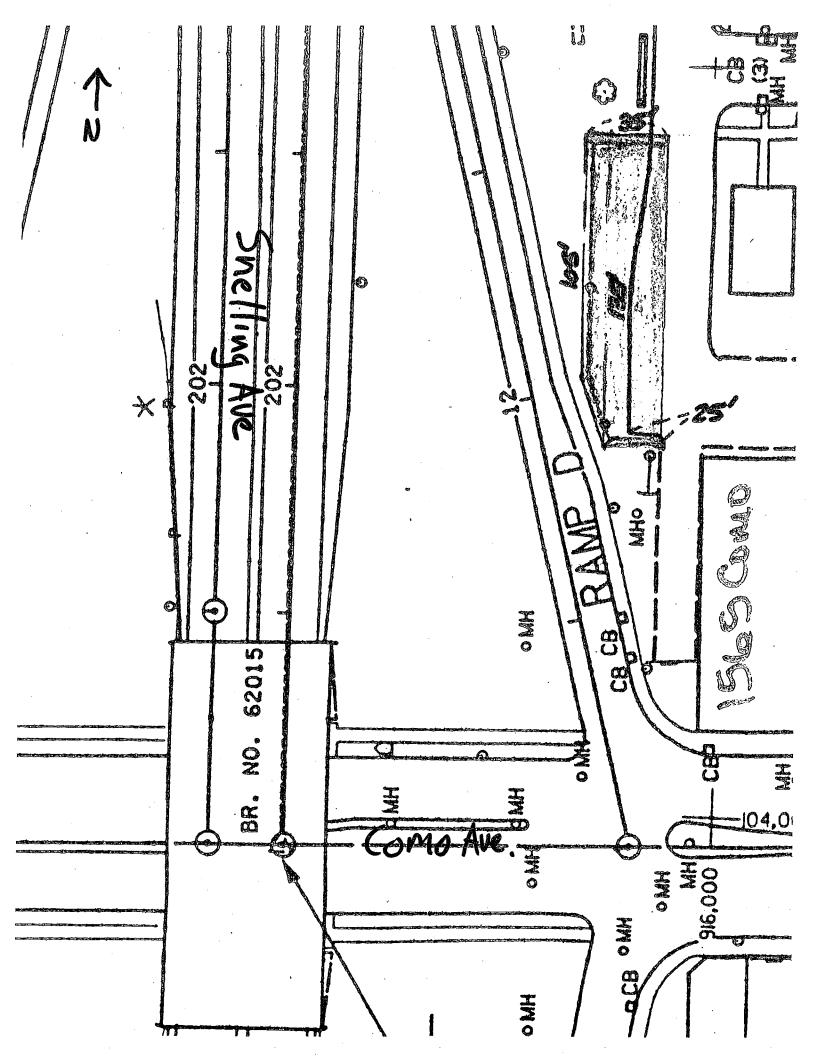
outdoor commercial

Devine Management LLC, the current owner of the building and property located on the NE corner of Como and Snelling, is requesting that a conditional use permit be granted that would allow properly licensed vendors to conduct/business on part of our property. The permit would be used for and would be restricted to the 12 days each year that run in conjunction with the MN State Fair.

Please see the area highlighted in yellow on the attached maps. (The maps are identical, one is just an exploded view.) The area highlighted is where we are proposing that licensed vendor(s) be allowed to set up. It is a private, asphalt paved parking area that is normally used to park company vehicles. The size of the area is 21ft X 72ft. Due to several circumstances, we were granted an exception last year that allowed us to provide the space to a vendor during the 2010 State Fair. Based on that past experience we know that using that space for vending does not cause any negative consequences or hardships to any other organizations, individuals, the city, or the flow of traffic (pedestrian or vehicle). Additionally, we do not see any threat to public safety or welfare and the proposed use is congruent with character of the area during the period for which we are proposing to use it.

Please let us know if you have any questions or require further clarification or detail on any point. Thank you for your consideration.





SFV State Fair Vending Subdistrict

